

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05-CR-00046-RJC-DSC

USA

v.

JOSEPH MIKE

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ORDER

THIS MATTER is before the Court upon motions of the defendant pro se for a reduction of sentence based on retroactive amendments to the United States Sentencing Guidelines regarding drug offenses, (Doc. Nos. 112, 114), and the government's response in opposition, (Doc. No. 130).

The defendant was sentenced life imprisonment, the mandatory minimum applicable to his drug offense. (Doc. No. 88: Judgment; Doc. No. 129: Supplemental Presentence Report at 1). Accordingly, the change in the guidelines does not affect the defendant's sentence. Neal v. United States, 516 U.S. 284, 296 (1996) (retroactive amendment to guidelines does not alter statutory mandatory minimum).

IT IS, THEREFORE, ORDERED that the defendant's motions, (Doc. Nos. 112, 114), are **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, the Community Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: January 11, 2016



Robert J. Conrad, Jr.
United States District Judge

